

REMARKS

Claims 30 and 36 have been amended. Claims 15, 18 – 20, and 22 - 37 are currently pending in the present application.

In the Office Action, claims 30 – 37 are rejected under 35 USC §112, second paragraph. Also, in the Office Action, Office Action, claims 15, 18, 22, 24, 25, 27, and 29-32 are rejected under 35 U.S.C. §102 (b) as being anticipated by Whalen US Patent No. 2,103,885. Furthermore, in the Office Action, claims 30, 32, 34, and 35 are rejected under 35 U.S.C. §102 (b) as being anticipated by Verchere US Patent No. 5,036,990. Additionally, in the Office Action, claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Whalen US Patent No. 2,103,885 in view of Avery US Patent No. 2,018,002. Moreover, in the Office Action, claims 15, 18, 19, 22-25, 27, and 29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hearst US Patent No. 2,450,337 in view of Frank US Patent No. 5,348,207. Moreover, in the Office Action, claim 33 is rejected under 35 U.S.C. §103(a) as being unpatentable over Verchere US Patent No. 5,036,990 in view of Hearst US Patent No. 2,450,337.

In the Office Action, claims 20 and 28 are objected to but would be allowable if rewritten in independent form.

It is respectfully submitted that the rejection of claims 30 – 37 under 35 USC §112, second paragraph, is now moot in view of the amendment of claims 30 and 36.

Applicants respectfully traverse the rejection of claims 15, 18, 19, 22 – 27, and 29 - 37 in view of the amendment of claims 30 and 36 and the following comments.

Independent claim 15 of the present application recites a shelf base for a refrigerator that includes a plate, lower retaining rails extending along a lower side

of the plate for attachment for a support for holding chilled goods, and upper retaining rails for another support extending along the upper side of the plate.

Whalen US Patent No. 2,103,885 discloses a refrigerator shelf 8 on which a pair of track-ways 20 and 21 are secured. A pair of article-storing devices 69 and 83 are slidably mounted, respectively, in the pair of track-ways 20 and 21. The track-ways 20 and 21 are interconnected to one another via a pair of lugs 49 and 50 that are bolted to another pair of lugs 51 and 52, respectively. The lugs 49, 50, 51, and 52 extend through spaces between cross-bars 24 and 25 of the refrigerator shelf 8.

Avery US Patent No. 2,018,002 discloses a support that includes a base plate with ribs having indentations.

Hearst US Patent No. 2,450,337 discloses a shelf base and upper and lower tiltable drawers.

Frank US Patent No. 5,348,207 discloses a drawer-containing vehicle top carrier apparatus 10 of the invention is mounted on the roof 11 of a vehicle 12. The apparatus 10 includes a housing 14 and means for both connecting the housing 14 to the vehicle 12 and for supporting the housing 14 in a horizontal orientation. A pivot assembly 18 includes a pair of tracks or rails 19, 19a located on the drawer 17 and a pair of cooperating tracks or rails 21, 21a located on the housing 14. A drawer 17 is installed in the housing 14 for sliding in and out of the housing 14.

It is submitted that none of the applied references teach or disclose a shelf base for a refrigerator wherein the upper retaining rails and the lower retaining rails are not secured to one another along the extents thereof between the front edge of the plate and the rear edge of the plate. Whalen US Patent No. 2,103,885 discloses that its upper and lower retaining rails are connected to one another mid-way along the extent of these upper and lower retaining rails - i.e., at a location at the mid point of the refrigerator shelf 8.

Also, as recited in independent claim 15 of the present application, the present invention is directed to a shelf base for a refrigerator that includes a "plate." The shelf 8 of the arrangement in Whalen US Patent No. 2,103,885 cannot be

regarded as a "plate." It is respectfully submitted that neither Whalen US Patent No. 2,103,885 itself nor any of the other prior art references teach or disclose an arrangement such as that of the present invention in which a pair of upper and lower retaining rails extend over a plate, whereupon the upper and lower retaining rails are not connected to one another along the extent of the plate on which they are supported but, instead, are only connected to one another at their front or back ends.

For these and other reasons, it is respectfully submitted that Whalen US Patent No. 2,103,885, Avery US Patent No. 2,018,002, Hearst US Patent No. 2,450,337, and Frank US Patent No. 5,348,207 do not teach or suggest the subject matter defined by independent Claim 15. Claims 17 – 19, 22 – 27, and 29 depending ultimately from claim 15 are submitted to be allowable for at least the same reasons as discussed above and also because these claims recite additional patentable subject matter.

Applicants also submit that claims 30 - 37 patentably define over the prior art of record and are in condition for allowance. Independent claim 30 of the present application recites a shelf base for a refrigerator. The shelf base includes a plate, lower retaining rails, and upper retaining rails. As further recited in new independent claim 30 of the present application, the plate has a front edge, a rear edge, a lower side, and an upper side. Also, as further recited in independent claim 30 of the present application, the lower retaining rails have a front end and a back end, and upper retaining rails have a front end and a back end.

Continuing with the recitation of independent claim 30 of the present application, the lower retaining rails extend at least between the front edge of the plate and the rear edge of the plate along the lower side of the plate and the lower retaining rails are provided for movable attachment thereto of a first support that holds chilled goods such that the first support can be extended relative to the lower retaining rails from an inward location into an outward location and can be retracted relative to the lower retaining rails from the outward location into the inward location. The upper retaining rails extend at least between the front edge of the

plate and the rear edge of the plate along the upper side of the plate and the upper retaining rails are provided for attachment of a second support that holds chilled goods such that the second support can be extended relative to the upper retaining rails from an inward location into an outward location and can be retracted relative to the upper retaining rails from the outward location into the inward location. As additionally recited in independent claim 30 of the present application, the front end of the upper retaining rails and the front end of the lower retaining rails are secured to one another across at least one of the front edge of the plate and the rear edge of the plate such that the upper retaining rails and the lower retaining rails are secured against movement relative to the plate in the extension and retraction directions of the first support and the second support, and the upper retaining rails and the lower retaining rails are not secured to one another along the extents thereof between the front edge of the plate and the rear edge of the plate.

Figure 3 of the present application and Figure 4 of the present application each illustrate exemplary arrangements for securing the upper and lower retaining rails 11 and 12 to the plate 8 in which the upper and lower retaining rails 11 and 12 are not connected to one another along the extent of the plate 8 on which they are supported but, instead, are only connected to one another at their front and rear ends. It is respectfully submitted that none of Whalen US Patent No. 2,103,885, Avery US Patent No. 2,018,002, Hearst US Patent No. 2,450,337, and Frank US Patent No. 5,348,207 teach or suggest the subject matter defined by independent claim 30. For example, Whalen US Patent No. 2,103,885 discloses that its upper and lower retaining rails are connected to one another mid-way along the extent of the upper and lower retaining rails - i.e., at a location at the mid point of the refrigerator shelf 8. Thus, Whalen US Patent No. 2,103,885 does not teach or disclose an arrangement such as that of the present invention in which a pair of upper and lower retaining rails extend over a plate, whereupon the upper and lower retaining rails are not connected to one another along the extent of the plate on which they are supported but, instead, are only connected to one another at at least one of their front and back ends.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 15, 18, 19, 22 – 27, and 29 - 37 in addition to the indicated allowance of the subject matter of claims 20 and 28 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



Russell W. Warnock
Registration No. 32,860
October 8, 2008

BSH Home Appliances Corporation
100 Bosch Blvd.
New Bern, NC 28562
Phone: 252-672-7927
Fax: 714-845-2807
russ.warnock@bshg.com